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Chairman: Ms. Kusorgbor (Vice-Chairman) ..... (Ghana)
later: Mr. Kuchinsky (Chairman) ..... (Ukraine)

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* Items which the Committee has decided to consider together.

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In the absence of Mr. Kuchinsky (Ukraine), Ms. Kusorgbor (Ghana), Vice-Chairman, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 105: Human rights questions (*continued*) (A/59/225, 371 and 425)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/59/255, 319, 320, 323, 327, 328, 341, 360, 366, 377, 385, 401-404, 422, 428, 432, 436 and 525)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/59/256, 269, 311, 316, 340, 352, 367, 370, 378, 389 and 413; A/C.3/59/3)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/59/36)

1. **Ms. Jahangir** (Special Rapporteur on freedom of religion or belief), introducing her interim report on the elimination of all forms of religious intolerance (A/59/366), said that, since her appointment in July 2004, she had met with a number of NGOs and representatives of religious communities, as well as members of the Commission on Human Rights. She had also acquainted herself with the reports of her predecessor, Mr. Amor, and had been encouraged to see how the mandate had developed over the years.

2. Although she was not yet in a position to present guidelines, conclusions or opinions on some of the very contentious issues related to her mandate, she was attempting to give it a definite orientation. Her methods of work would include identifying alleged violations of the right to freedom of religion or belief and communicating them to the Governments concerned. In doing so, however, she would first verify the information received, and would only transmit allegations that she had assessed as sufficiently credible. At the request of Mr. Amor, the Commission on Human Rights had changed the title of the mandate from Special Rapporteur on religious intolerance. As a result, the mandate had become broader and more proactive, but would continue to focus on the examination of incidents and government actions that were incompatible with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

3. Although religion would inevitably be a key aspect of the mandate, the central thrust must be the protection of individual rights to freedom of religion or belief. She would therefore focus in particular on the protection aspect of the mandate and integrate it with other special procedures of the Commission on Human Rights. In doing so she would continue to be guided by article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the Human Rights Committee's general comment No. 22. She would also continue to mainstream gender concerns into most aspects of the mandate.

4. She urged Member States to extend invitations that would enable her to make in situ visits. She intended to concentrate on countries in which there was genuine concern regarding religious rights, but would also take the opportunity to visit countries in which good practices had promoted a culture of tolerance or in which emerging religious tensions required early responses from Governments. Thus far, she had also requested the Governments of Azerbaijan, Bangladesh, Indonesia, the Islamic Republic of Iran, Nigeria, Sri Lanka and Uzbekistan to allow her to visit.

5. Her interim report covered the period from January to September 2004. During that time, a total of 39 communications had been transmitted to 39 States, and 14 States had replied. The report clearly reflected rising religious tensions, but the difficulties facing Governments were understandable. They must protect all individuals, including religious communities and communities of belief, against acts of violence and other acts of intolerance by non-State actors, while ensuring that the perpetrators of such acts were brought to justice. States therefore faced a delicate task in striking a proper balance between respect for religious freedom, on the one hand, and freedom of speech, on the other.

6. As indicated in her report, the anti-terrorism measures adopted in a number of States had unduly limited freedom of religion or belief, in violation of international human rights standards. Intolerance would only breed further intolerance. In their efforts to

curb violence, Governments had an obligation to abide by human rights norms, even when the violence was perpetrated in the name of religion.

7. As she had been appointed only recently, she was discovering new aspects of her mandate almost on a daily basis. She would therefore not be able to present the Committee with a comprehensive and detailed overview of the situation of freedom of religion or belief around the world until the end of the next reporting period.

8. **Mr. El Badri** (Egypt), referring to the section of the report concerning members of the "Bahá'í" religion (A/59/366, para. 24), noted that the Egyptian Constitution recognized the right of religious belief. Moreover, Egypt was a party to the International Covenants on Human Rights, and that under article 18 of the International Covenant on Civil and Political Rights, States were permitted to take certain actions for reasons of public order. With respect to the specific incident noted in the report, he said that his Government believed that the person in charge had not shown sufficient tolerance towards Egypt's other religions. Even though certain issues had arisen as a result of the Government's efforts to maintain public order, Egypt had acted in accordance with its own laws and its international obligations.

9. The report also referred to a Coptic monastery whose fences had been partially demolished. His Government had already responded to the Special Rapporteur with respect to that case, but he wished to emphasize that his Government was reconstructing the fence in question, on the proper site, at its own expense. With regard to the arrest of the Egyptian citizen at the border with the Libyan Arab Republic — a case that was also referred to in the report — he noted that the charges related to the use of fraudulent identification by the individual and his wife, an offence that was clearly punishable by law in any country.

10. **Mr. Normandin** (Canada) welcomed the intention of the Special Rapporteur to mainstream gender considerations into her mandate. In paragraph 97 of the interim report, the Special Rapporteur referred to the use of administrative measures restricting the freedom to practise religious ceremonies or rites. One such measure was to permit only registered organizations to practise their faith. He wondered whether the Special Rapporteur continued to believe that registration was justified and, if so, how such a practice could be balanced against potential abuse.

11. **Mr. Litver** (Netherlands), speaking on behalf of the European Union, asked (a) what would be the priorities of the Special Rapporteur's mandate in the period up to the next session of the Commission on Human Rights; (b) whether she envisaged a thematic focus in her next report; (c) with which parts of the machinery of the Office of the High Commissioner for Human Rights (OHCHR) and of the wider United Nations system did she intend to cooperate particularly closely; and (d) what were her plans for country visits. The European Union agreed that countries must remain neutral and abstain from expressions of bias against any religion and from discriminatory legislation. However, it would be interested to know the views of the Special Rapporteur about the role of Governments in the prevention of religious intolerance at the broader level. It wondered whether she believed that they should be more proactive in that regard and, if so, how the autonomy of religious communities could be ensured.

12. **Mr. Ballestero** (Costa Rica) said that the Commission on Human Rights had increasingly found itself addressing questions relating to Islamophobia, Christianophobia and anti-Semitism. The use of those terms suggested that the United Nations had failed in its attempts to prevent religious intolerance, and sometimes appeared to be moving backwards.

13. **Ms. Jahangir** (Special Rapporteur on freedom of religion or belief), responding to questions, thanked the representative of Egypt for the additional information he had provided. With respect to the question posed by the representative of Canada concerning registration, she said that it was a contentious issue which required deeper consideration on her part. She had examined the relevant guidelines of the Organization for Security and Cooperation in Europe (OSCE). There was potential for abuse and discrimination, but she was very impressed with those guidelines and was testing them against actual cases.

14. Turning to the issues raised by the representative of the Netherlands, she said that her priorities would be combating intolerance and promoting and protecting individual rights. Furthermore, she would welcome more cooperation in the area of freedom of expression, which was increasingly being curtailed. She had talked at length with OSCE experts and hoped to make certain country visits before the end of 2004 in order to understand the situation on the ground. In reviewing the work of her predecessor, she had seen how each Government faced a different situation and how

religious rights were being violated. She had also seen how Governments could respond proactively, whether through education or through inter-religious talks, which she believed should be extended to civil society within the human rights framework. With respect to religious autonomy, she said that government neutrality was one way of ensuring that autonomy, and that it was when Governments began to discriminate that the autonomy of religious groups was undermined. With respect to the comments of the representative of Costa Rica, she said that she continued to study the issue of religious "phobias", but could not offer a position on the issue until she had done more research.

15. **Mr. Arziev** (Uzbekistan), referring to paragraph 83 of the report of the Special Rapporteur, noted that his Government had provided full answers concerning the allegations, and was committed to continued cooperation with her in that regard.

16. **Ms. Abeysekera** (Sri Lanka) recalled that she had addressed the section of the Special Rapporteur's report concerning her country in her statement at the Committee's 25th meeting, and asked that the Special Rapporteur should take note of that statement.

17. **Mr. Saran** (India), noting that over the past year the list of religious "phobias" had become longer, welcomed the reference in the report to mainstreaming gender. However, he wondered how the Special Rapporteur planned to mainstream the issues of multiculturalism, pluralism and tolerance within societies, rather than between States and societies. He also wished to know her views concerning existing mechanisms on minorities. Preliminary work was being done on options for new mechanisms, and he wondered whether she believed that such mechanisms would add value.

18. **Mr. Cumberbatch Miguén** (Cuba), referring to agenda item 35, on a culture of peace, noted that the Philippines had submitted a new draft resolution under that heading, on the promotion of cooperation between religions. He wondered how the Special Rapporteur would enhance that idea, and what form such cooperation might take.

19. **Ms. Iamsudha** (Thailand), referring to the section of the report concerning communications, noted that her Government had sent a reply to the Special Rapporteur by the deadline mentioned, and wondered why the reply was not reflected in the report. Her delegation also welcomed the intention of the Special Rapporteur to pay country visits and learn best practices.

20. **Mr. La Yifan** (China) wondered whether the Special Rapporteur considered that the freedom to express religious beliefs was absolute. In many countries people committed crimes under the banner of religion, and he wondered whether, in her view, such people should enjoy special privileges. Secondly, many paragraphs of her report consisted of accusations against certain Governments, but did not include Governments' replies. Furthermore, it seemed that certain Governments enjoyed exceptional treatment in that regard. China had always cooperated with the Special Rapporteur through prompt investigation of accusations and prompt replies. If indeed the Special Rapporteur followed a unified standard, he trusted that she would apply that standard in respect of all allegations and replies.

21. **Ms. Wong** (United States of America) said that her delegation believed that religious liberty lay at the heart of a just and free society and was the cornerstone of democracy. The failure to protect that liberty and other fundamental human rights could undermine social order and lead to extremism and violence. Religious freedom was also a universal right. Sometimes intolerance had several components, including a religious dimension. Her Government was pleased that the Commission on Human Rights had condemned anti-Semitism, Islamophobia and Christianophobia, and those problems should be addressed in an uncompromising manner. In that context her delegation would be interested in learning the Special Rapporteur's views when examining those issues more broadly in her upcoming report, and about how countries could support United Nations efforts to promote tolerance at the country level.

22. **Ms. Naz** (Bangladesh) said that Bangladesh was an open society that welcomed the interest of United Nations special mechanisms. Over the past three years, her country had received three visits by special rapporteurs, and remained open to constructive suggestions for furthering human rights. Her delegation hoped to give the Special Rapporteur an opportunity to visit Bangladesh in order to make an independent assessment of its good practices in promoting a culture of tolerance.

23. **Ms. Sutikno** (Indonesia), referring to paragraph 41 of the report, said that if the allegation was true, her

delegation wished to express its determination that such incidents would not occur. However, she wished to join other countries in stating that the listing of countries in the report was contrary to a healthy dialogue. She therefore wondered whether the Special Rapporteur envisaged mechanisms for preventing intolerance without the need to make allegations against individual countries.

24. **Mr. Idoko** (Nigeria), referring to the Special Rapporteur's intention to visit Nigeria, said that both the Government and the people were ready to offer her their full collaboration. The report (A/59/366) had referred to an incident in the Plateau State and he would try and confirm the details. However, Nigeria was a multi-religious and multicultural country and, although the different religious and ethnic groups had lived side by side peacefully for many years with a high level of tolerance, tensions could arise as a result of economic and political problems.

25. **Mr. Cho Tae-Ick** (Republic of Korea) said that some countries were hesitant to accept visits by the Special Rapporteurs and refused requests or failed to respond to them. He would be interested to know what the Special Rapporteur would do to obtain the necessary information for commenting on the situation in those countries in her reports, should that situation arise.

26. **Mr. Husain** (Organization of the Islamic Conference (OIC)), noting that OIC offered its full collaboration with the Special Rapporteur, drew her attention to the point raised by the United States that Islamophobia was on the rise, and said that OIC relied on her to play a constructive role in focusing attention on its causes and suggesting ways and means of preventing it.

27. **Ms. Jahangir** (Special Rapporteur on freedom of religion or belief), responding to the issues raised by Uzbekistan, said that all the replies received from Governments prior to 31 August 2004 had been included in her report and were listed in paragraph 3. It had not been possible to include those received after that date, for technical reasons. However, in paragraph 6, she had acknowledged that the Governments of Israel, Turkey and Uzbekistan had submitted general information. As in the case of Thailand, some replies might have gone astray, but in general, the only limitation had been space. Furthermore, she had used a uniform standard for each country.

28. In the case of the draft bill on prohibition of forcible conversion presented by Buddhist monks in Sri Lanka (ibid., para. 68), she was following developments with great interest. She understood that, following the Supreme Court's ruling, another draft bill had been submitted.

29. With regard to the new mechanisms mentioned by India, every new special rapporteur made a contribution to advancing human rights, but each new mandate meant that fresh resources had to be found. If there were no resources, many special rapporteurs would bow out with dignity rather than accept a mandate without even the minimum support. With insufficient resources, the work of the special rapporteurs could not be as creative as they might wish.

30. In response to China, she noted that her predecessor had stated that religious beliefs were absolute, but not their manifestation. She was very much aware of the problems that could arise when people used the excuse of religion to carry out criminal acts, and her mandate would take that into consideration.

31. As to the issues raised by the United States, she needed more time to study the question of Islamophobia, Christianophobia and anti-Semitism.

32. The question posed by the Republic of Korea, regarding the possible refusal by a country to receive the Special Rapporteur, was academic. To date, the invitations for country visits had always been forthcoming and she trusted that the situation evoked would never arise.

33. Indonesia had posed the question of what could be done to prevent intolerance without the need to refer to specific countries. From her study of the reports so far, she had the impression that certain standard criteria could be used when considering the matter; nevertheless, each country had its own particular circumstances, which had to be considered.

34. She thanked the representatives of Bangladesh, Nigeria and OIC for their encouraging remarks and support for her mandate. She would be guided not only by material submitted by NGOs, but also by information from Governments and from regional and international organizations.

35. **Mr. Ziegler** (Special Rapporteur on the right to food), introducing his report (A/59/385), said that

hunger was increasing. According to the most recent report of the Food and Agriculture Organization of the United Nations (FAO), every five seconds a child died from hunger-related diseases and 842 million people were permanently undernourished. That number had increased from 840 million in the previous report and from 815 million two years before, making a mockery of the promises contained in the Millennium Development Goals. Malnourished women throughout the world gave birth to children with brain damage. With current technology, however, agriculture could feed 12 billion people — double the world population. Therefore, there was no excuse for anyone dying of hunger today.

36. There were some encouraging signs. Several countries, including China, had attained food self-sufficiency. The Presidents of France and Brazil had launched an initiative to create a global fund to combat hunger, the Zero Hunger Programme, which had been submitted to the current session of the General Assembly and which would be financed by a tax on such elements as the global arms trade. The Secretary-General had given his support and had been joined by over 100 countries already.

37. Over the past year, emerging issues included the right to food and to fishing livelihoods. Global fish production had rapidly expanded in recent years, reaching 130 million tons in 2000, a threefold increase in 40 years. In many countries, especially Asia but also in Africa and Latin America, numerous communities depended on fish and fishery resources for their access to food and their livelihoods. However, global policies driving privatization and export-oriented marine fishing sometimes ended up depriving local people of their traditional access to fishing resources.

38. The 2002 World Food Summit had not been a success but, under the auspices of FAO, a working group had been established to elaborate voluntary guidelines to support the progressive realization of the right to food in the context of national food security. Although its members had not reaffirmed the right to food, they had discussed the problem for two years and had drawn up 20 specific measures. The guidelines had now been submitted to the FAO Council for adoption. It was disappointing that the United States had rejected the right to food and left the solution to hunger to free-market forces, while many countries were pleading for a normative approach.

39. His mandate obliged him to report on very serious violations of the right to food and his current report included four such situations. In the Darfur region of western Sudan, 50,000 people had died since February 2004 and, according to the World Food Programme, 2 million people now depended on international food aid. One million people had been displaced and, despite heroic efforts, thousands of them were dying, since international aid could not be delivered while the violence continued and the Janjaweed militias continued to be active in the region.

40. In the Democratic People's Republic of Korea, a humanitarian tragedy was in progress. Some 6 million people depended on international humanitarian aid and, at times, the World Food Programme had no direct access to provide effective aid. A further problem resulted from the country's 1,300 kilometre-long border with China. People crossing over to seek refuge in that country were being repatriated against their will. He had received convincing reports from NGOs in Japan, the United States and the Republic of Korea indicating that, once back in the Democratic People's Republic of Korea, those people were often subjected to severe punishment and placed in labour camps. He had held discussions with the Chinese authorities, who maintained that the refugees were entering China illegally. That was legally correct; however, the situation constituted a grave humanitarian problem to which it was necessary to find a humanitarian solution.

41. In relation to Cuba, the United States' recently-expanded unilateral embargo was a violation of the right to food. The United States was trying to prevent Cuba from exercising its economic sovereignty, although, admittedly, it still allowed Cuba to buy food from the United States for humanitarian reasons. He had indicated to both countries that he wished to carry out a mission to look into the question. Cuba had responded positively but, to date, he had received no reply from the United States.

42. The situation in the occupied Palestinian territories was tragic for the 3.8 million people who had lived under foreign occupation for more than 30 years. Nearly one quarter of Palestinian children were now gravely malnourished, and Israel was also reportedly extracting more than 85 per cent of the water from the West Bank aquifers. The construction of the wall, which had been condemned by the International Court of Justice, was continuing and involved the destruction of hundreds of hectares of

arable land belonging to the people under occupation. The United Nations was trying to avoid an exacerbation of the situation resulting from measures taken by the occupying Power. Israel had the right to ensure the security of its people, but not by applying a collective punishment to an entire population, which resulted in the malnourishment of children and violations of human rights and international humanitarian law.

43. The struggle for the right to food was far from being won. Many States favoured the normative approach, namely to ensure that the right to food embodied in article 11 of the International Covenant on Economic, Social and Cultural Rights should become justiciable at the national and international levels. But some States and organizations opposed the normative approach, arguing that only a competitive global market could overcome hunger and that, if market forces were left totally without controls, productivity would increase throughout the world and hunger would disappear. Globalization had made extraordinary progress over recent years; hunger, however, continued to increase. Consequently, the normative approach was the only way to win the battle against hunger.

44. **Mr. Konfourou** (Mali) said that the sub-Saharan countries were suffering from an unprecedented locust invasion, which had seriously affected their food security. The Special Rapporteur had not referred to the problem in his report and he wondered whether natural disasters that affected food security were part of his mandate. If they were, he invited the Special Rapporteur to visit the region to evaluate the impact of that infestation for his next report.

45. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea), speaking on a point of order, said the Special Rapporteur, in his oral presentation of his report, had repeatedly used an incorrect term in place of the correct name of his country.

46. Turning to the substance of the report, he said the section dealing with his country gave the impression that his Government was intentionally depriving its people of the right to life, whereas it was more concerned than anyone about the fact that its children were going hungry.

47. The report contained distortions: certainly there were food shortages in the Democratic People's Republic of Korea but, contrary to the Special Rapporteur's assertions, and as recently confirmed by the Director of the World Food Programme, food aid was going to those who needed it. It was also untrue to say people were executed for stealing crops or livestock for food. Such information could have been verified by consulting the NGOs working in his country, but they were not mentioned in the report.

48. He wondered whether it was part of the Special Rapporteur's mandate to report on alleged border crossings and internment of people in labour camps.

49. If the Special Rapporteur was really concerned at the situation in the Democratic People's Republic of Korea, he should call on the international community to provide assistance.

50. **Mr. Litver** (Netherlands), speaking on behalf of the European Union, asked how the voluntary guidelines on the progressive realization of the right to food in the context of national food security, negotiated under FAO auspices, could be implemented and what additional methods the Special Rapporteur would propose in the short and the long term in order to enforce the right to food. How could the United Nations system most effectively help to coordinate such efforts?

51. The Special Rapporteur was expected to mainstream a gender perspective in the activities relating to his mandate. He wondered what practical steps the Special Rapporteur had taken or intended to take in that regard and whether he had addressed the issue of hunger-affected women, particularly pregnant women. He would also like to know whether the available data confirmed that women and girls were disproportionately affected by hunger, food insecurity and poverty, as stated in General Assembly resolution 58/186, paragraph 4.

52. **Ms. Rasheed** (Observer for Palestine), referring to paragraph 24 of the report, asked whether Caterpillar, Inc., had replied to the letter written by the Special Rapporteur. She also wondered whether other private actors who were helping to perpetuate Israel's occupation and its violation of the Palestinian people's human rights, including the right to food, would also be urged to dissociate themselves from the illegal actions of the occupying Power.

53. **Ms. Tasslya** (United States of America) said that, although her country was under no legal obligation to feed others, it believed it was right to do so and was in fact the world's largest food-aid donor.

54. Her delegation agreed that hunger was neither inevitable nor acceptable. Those countries that had made progress on food security had done so partly through strategies to promote growth, including increasing agricultural productivity, boosting agricultural science and technology and developing domestic market and international-trade opportunities, and partly by looking after the welfare of the vulnerable, including by securing access to land and finance and advancing the status of women.

55. The United States supported the progressive realization of the right to adequate food as a component of the right to an adequate standard of living. However, that right was a goal or aspiration to be realized progressively and did not give rise to international obligations or domestic legal entitlements.

56. The inclusion of Cuba as one of the situations of special concern could only be attributed to an ideologically-driven agenda. The placing of the United States embargo on trade with Cuba on a par with the deaths of thousands in the Darfur region of the Sudan was a distortion of international humanitarian priorities. The embargo did not constitute a violation of international law and was but one means used by the United States to attempt to bring about a transition to democracy and respect for human rights in Cuba. Moreover, arguments that the United States was denying Cuba access to food and medicine were unfounded, since exports of agricultural products and medical supplies had now been greatly facilitated and were worth many millions of dollars. The root causes of the food shortages the people of Cuba doubtless experienced lay in the discredited and unsustainable political, economic and agricultural systems the Cuban Government refused to relinquish.

57. The Special Rapporteur had clearly exceeded his mandate in respect of the issue of the occupied Palestinian territories.

58. Lastly, she said her Government had replied to the Special Rapporteur's request for information.

59. **Mr. Israeli** (Israel) said the Special Rapporteur's decision to report on the West Bank and Gaza rather than on any of the 35 food emergencies listed by FAO, and his discussion of the Israeli-Palestinian situation, revealed a personal political agenda, an unprofessional approach and a partisan mindset that did little credit to his mandate or to the organ that had appointed him.

60. Israel's sincere efforts to cooperate fully with the Special Rapporteur had been ignored. The Special Rapporteur had misrepresented the complex realities of the Israeli-Palestinian situation, presenting it as one where one side had only rights and the other only responsibilities. Any examination of food shortages, or indeed any other problem, in the West Bank and Gaza which ignored Israel's efforts to meet the Palestinian people's humanitarian needs and the impact of Palestinian terrorism and corruption was simply not credible.

61. With regard to water policy, Israel's approach had always been to seek win-win solutions, reaching out to cooperate with all its neighbours in a region where water was scarce for all.

62. Ever since his appointment in 2000, the Special Rapporteur had conducted a public relations assault on Israel, systematically singling it out for criticism. He had even appeared at anti-Israel international conferences and briefings. Nobody was arguing that the Palestinian people were not enduring very difficult conditions, but by using his post as a political weapon, the Special Rapporteur had in fact undermined efforts to improve those conditions, while depriving other countries of much-needed international attention.

63. **Mr. Ziegler** (Special Rapporteur on the right to food), replying to the representative of Mali, said he had simply had no space in his report to address the disastrous plague of locusts in West Africa.

64. In reply to the representative of the Democratic People's Republic of Korea, he said that, since each of his five formal requests to visit the country had been turned down, he had been obliged to rely on secondary sources of information.

65. Most of the major NGOs working in the Democratic People's Republic of Korea had ceased their operations there, stating that the distribution of food aid was not ensured in accordance with international standards. The World Food Programme took a different position. As Special Rapporteur he was obliged to take account of the full range of views.

66. To report on the plight of those who left the country to find food was not to exceed his mandate, since the sole reason for their leaving was precisely the fact that they had no food. Moreover, the United States Congress had produced five volumes of detailed case

studies showing that those sent back had indeed been punished or even executed.

67. Replying to the questions asked by the Netherlands on behalf of the European Union, he said women were disproportionately affected by the problem, as he had shown in his report to the General Assembly at its fifty-eighth session (A/58/330). Moreover, in many countries it was women who had to walk many kilometres to fetch water and firewood for cooking.

68. It had come as something of a shock that the international community had thrown its weight behind the idea of introducing voluntary guidelines on food security, given that the existing International Covenant on Economic, Social and Cultural Rights contained legally binding obligations. However, the guidelines could apply even to States non-parties to the Covenant.

69. Replying to the Observer for Palestine, he said he was now looking into ways of persuading multinational corporations that were violating human rights to change their practices.

70. In response to the comments of the representative of Israel, he said he had indeed been very well received by the Government of Israel and none of his questions had gone unanswered. His visit to the occupied Palestinian territories, however, was a specific part of his mandate: the Commission on Human Rights had enjoined all its special rapporteurs to visit those territories and the choice had not been his to make. On the other hand, it was not part of his mandate to speak of Palestinian terrorism.

71. It was not true that he had taken part in anti-Israel conferences. He was a member of an Israeli NGO, the Alternative Information Centre (AIC), whose membership included leading United States and Israeli intellectuals. He was also on the editorial board of the AIC review, *News from Within*, which was the only organ that promoted a dialogue between the two sides.

72. Replying to the comments of the United States delegation, he said the remarkable generosity of the United States in terms of food aid was well known but was not the issue. The problem was that the United States consistently denied the right to food, saying that food was a commodity like any other, that the market should be allowed to regulate food prices and that it was when market mechanisms broke down that food aid became necessary. That view was opposed by the majority of States members of the Commission on Human Rights.

73. The embargo against Cuba had been repeatedly condemned by the General Assembly. It was probable that the embargo in itself constituted a violation of the right to food. He hoped to be able to visit both Cuba and the United States in the near future. As of that morning he had still not had a reply to his request for information from the United States.

74. **Mr. Cumberbatch Miguéa** (Cuba) said that his delegation appreciated the attention given by the Special Rapporteur to the unilateral embargo by the United States against Cuba and its effect on the right to food of the Cuban people. That embargo had been condemned in the General Assembly for 14 years; the related item would come before the General Assembly at its next plenary meeting.

75. **Mr. Goldman** (Independent expert on the protection of human rights and fundamental freedoms while countering terrorism) said that, shortly after his appointment by the Commission on Human Rights under resolution 2004/87, he had met with the High Commissioner for Human Rights and her staff to discuss the new mandate. He had also met with the coordinators of the various regional groupings of States represented on the Commission for an exchange of views.

76. He was preparing the report mandated by resolution 2004/87 for forwarding to the High Commissioner for her consideration and transmittal to the Commission. The report was highly technical in tone and thematic in nature, and built on various themes and issues contained in the study that the High Commissioner had been requested to submit pursuant to General Assembly resolution 58/187.

77. **Mr. Vigny** (Switzerland) said that it was his delegation's understanding that the components of the independent expert's mandate included a review of the compatibility of national law with international obligations, drafting of guidelines on human rights, information-gathering, advising the High Commissioner and submitting information to tribunals. He wondered if any other elements should be added to that mandate.

78. **Mr. Litver** (Netherlands), speaking on behalf of the European Union, asked how the independent expert intended to coordinate his work with the various

special procedures and human rights treaty bodies and how their efforts could help in the fulfilment of his mandate. The Security Council Counter-Terrorism Committee (CTC) was continuing its revitalization and had been urged to consider the human rights impact of counter-terrorism measures in its review of State actions. He would like to hear the views of the independent expert regarding the need to include a human rights perspective in the work of CTC.

79. In less than a year, the independent expert would be expected to present his recommendations to Member States. He inquired whether he intended to make field visits, include individual case studies, or refer to any other bodies of law in its preparation. He drew attention to the ongoing work of the High-level Panel on Threats, Challenges and Change, and asked if the report of the independent expert might make a contribution to the Panel's work.

80. **Mr. Gómez-Robledo** (Mexico) said that terrorism involved not just the security of the State but that of individual citizens as well. The international community was seeking a balance between fighting terrorism and protecting the rights of individuals, and he hoped that the report of the independent expert would help in finding that balance.

81. **Mr. Ballastero** (Costa Rica) asked for the views of the independent expert on the need to take advantage of the synergies within the United Nations system in fighting terrorism and on ways to avoid duplication of work. His delegation had advocated the establishment of a high commissioner for counter-terrorism, and it would also be useful to hear the expert's views on the advantages and disadvantages of such an office.

82. **Mr. Saran** (India) asked how the independent expert would answer the concerns expressed in the Commission on Human Rights concerning the proliferation of procedures and duplication of work that his mandate might seem to represent. He would also like to know how the expert intended to proceed in the mandate to review all Commission on Human Rights resolutions regarding terrorism.

83. **Mr. Israeli** (Israel) asked if the rights of victims of terrorism would be considered.

84. **Mr. Goldman** (Independent expert on the protection of human rights and fundamental freedoms while countering terrorism) said that his mandate was unlike any other, in that it was temporary and that he did not report directly to the Commission on Human Rights but acted as an adviser to the High Commissioner. He acknowledged the concerns that his mandate represented a duplication, yet the consideration of the issue of compatibility of national measures against terrorism with international human rights obligations was widely dispersed throughout the United Nations system. One argument in favour of his mandate, which was advisory rather than operational, was that it could become a focal point within the system for that consideration, thereby helping to avoid duplication.

85. His research to date had indicated that the struggle against terrorism involved virtually every right, and that information on its impact was episodic and incomplete. In his view, a comprehensive mandate should be created to provide oversight in that area. The Security Council must be made aware of measures adopted by States and must ensure that they did not violate human rights law. A useful dialogue had been opened between CTC, the Office of the High Commissioner and the Human Rights Committee, but it would not substitute for a free-standing mandate. The extraterritorial application of human rights law and such areas of refugee law as non-refoulement were among topics he planned to investigate.

86. In response to the representative of Israel, he said that concern for victims was foremost in the minds of all, yet the primary focus of his mandate was the conduct of States in the discharge of their human rights obligations as well as the conduct of non-State actors.

87. **Ms. Noman** (Yemen), speaking in exercise of the right of reply concerning the interim report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions (A/59/319), said that the Constitution of Yemen contained full guarantees of human rights for all its citizens. With regard to the incident described in paragraph 35 of the report, the individuals killed had been accompanying the person convicted of the attack on the *USS Cole* and implicated in other terrorist attacks. The security forces had appealed to him to turn himself in and had pledged not to extradite him, to which he had agreed, yet he had remained at large. When the security forces received information that he was planning more attacks, they had no choice but to arrest him by force, which unfortunately had resulted in his death and that of his companions.

88. Yemen reaffirmed its commitment to the rule of law and welcomed open dialogue.

The meeting rose at 6.05 p.m.